

GIBSON DUNN

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Leslie G. Foschio
United States Magistrate Judge

Date:

6/29/11

June 28, 2011

VIA FACSIMILE ((716) 332-7855)

The Honorable Leslie G. Foschio
310 U.S. Courthouse
68 Court Street
Buffalo, New York 14202-3498

Re: Ceglia v. Zuckerberg and Facebook, Inc., No. 1:10-cv-569-RJA-LGF

Dear Judge Foschio:

We represent Defendants Mark Zuckerberg and Facebook, Inc. in the above-referenced action.

Your Honor is scheduled to hear oral argument on Defendants' Motion for Expedited Discovery (Doc. No. 44) at 2:00 p.m. on Thursday, June 30, 2011. (Doc. No. 56.) The parties are also scheduled to appear, at the same time, for a Rule 16(b) scheduling conference. (Doc. No. 55.) Pursuant to the Court's Order, dated June 2, 2011, the parties' proposed discovery plan and case management order is to be submitted in writing at least two days prior to the Rule 16(b) conference.

In their Motion for Expedited Discovery, Defendants presented overwhelming evidence that Plaintiff is committing a fraud on this Court. In the motion, Defendants seek targeted, expedited discovery related to the authenticity of Plaintiff's purported contact and the purported "emails" described in his Amended Complaint, and a stay of all other discovery. In his Cross-Motion, Plaintiff agreed that targeted, expedited discovery is warranted to test the authenticity of the alleged contract and "emails." Other than his request for "mutual" discovery, Ceglia does not object to this Court granting all the relief Defendants have requested, including the stay. Cross-Motion at 1 ("Plaintiff objects to Defendants' motion to expedite only insofar as it is one-sided."); *id.* at 12 ("Plaintiff seeks to partake in mutual expedited discovery limited to the issue of the authenticity of the questioned documents"). Thus, the only disputed issues before the Court concern the extent to which Plaintiff should be permitted "mutual" expedited discovery of Defendants and the protocol that will guide expedited discovery.

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LESLIE G. FOSCHIO
U.S. MAGISTRATE JUDGE
BUFFALO, NY

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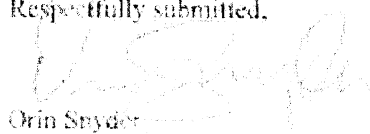
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Given Plaintiffs' agreement that discovery at this stage should be limited to the authenticity of the purported contract and "emails," we respectfully request that the Court adjourn the Rule 16(b) portion of Thursday's conference until the completion of the expedited discovery.

Respectfully submitted,



Orin Snyder

cc: Christopher P. (Kip) Hall, Esq., DLA Piper LLP (US)
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